

208344



June 10, 2003



VIA U.P.S. OVERNIGHT

Surface Transportation Board
Section of Environmental Analysis
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001

Attention: Victoria Rutson

RE: Proposed Abandonment AB-33 (Sub-No. 203X) from Milepost 0.64 near Walker and Palmer Streets to Milepost 1.54 near Leeland and Velasco Streets in Houston, Texas, a distance of 0.9 miles (4,752 feet), over the Columbia Tap Industrial Lead in Harris County, Texas

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Petition for Exemption in this matter on or after July 31, 2003.

Sincerely,

Enclosures

**ENTERED
Office of Proceedings**

JUL 11 2003

**Part of
Public Record**

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

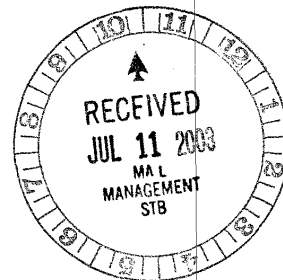
BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 203X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN HARRIS COUNTY, TX
(COLUMBIA TAP INDUSTRIAL LEAD AT HOUSTON, TX)

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY
Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX



Dated: July 10, 2003

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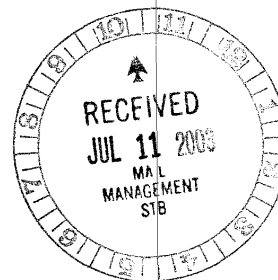
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BEFORE THE
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Docket No. AB-33 (Sub-No. 203X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN HARRIS COUNTY, TX
(COLUMBIA TAP INDUSTRIAL LEAD AT HOUSTON, TX)



Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment from milepost 0.64 near Walker and Palmer Streets to milepost 1.54 near Leeland and Velasco Streets in Houston, Texas, a distance of 0.9 miles (4,752 feet), over the Columbia Tap Industrial Lead in Harris County, Texas (the "Line").

The Line traverses U. S. Postal Service Zip Code 77003.

UP anticipates that a Petition For Exemption to abandon the line will be filed at the STB on or after July 31, 2003.

A map of the Line is attached as **Attachment No. 1**. UP's letter to federal, state and local government agencies is marked **Attachment No. 2**. Responses received to UP's letter to date are attached and sequentially numbered as indicated below.

ENVIRONMENTAL REPORT
49 C.F.R. § 1105.7(e)

(1) **Proposed action and alternatives.** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Response: The proposed action involves the abandonment by UP from milepost 0.64 near Walker and Palmer Streets to milepost 1.54 near Leeland and Velasco Streets in Houston, TX, a distance of 0.90 miles (4,752 feet), over the Columbia Tap Industrial Lead in Harris County, Texas. The sole customer on the Line is Porter Warner Industries located at 3202 McKinney Street, Houston, TX 77003. Porter Warner shipped 2 cars of Bentonite Clay, STCC 3295232, tons unknown (reciprocal switch) in the year 2001, and 2 cars of Bentonite Clay totaling 140 tons in the year 2002.

The portion of the Columbia Tap Industrial Lead to be abandoned was constructed in 1860 by the Houston Tap & Brazoria Railway Company. The Line is constructed with 90-pound track material. The Line connects at milepost 0.64 with the HB&T Walker Street line, which is operated by BNSF except for UP's passage over it to reach the Line.

There appears to be no reasonable alternative to the abandonment. The effect of the abandonment on Porter Warner Industries should be limited. The traffic is negligible in volume. The material moves in large sacks in box cars, and could be handled at an alternate site for transloading. The industry location is in the heart of central Houston, and rail lines of UP and BNSF, as well as numerous major highways such as Interstate 45 and U. S. 59, lie within three miles of Porter Warner. Given the location of

the Line in central Houston and shifting land use, it is unlikely that a major new rail oriented industry would locate on the Line. The line stub ends and cannot be used for overhead traffic. Train service is provided as needed by a train crew based within the Houston Terminal.

Based on information in the Applicants' possession, the Line proposed for abandonment consists of both reversionary and non-reversionary property. There is no federally granted right of way in the proposed abandonment.

A map of the Line is attached as **Attachment No. 1**.

(2) **Transportation system.** Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

Response: Based on the two-car movement of Bentonite Clay for 2002 in 70 ton shipments in 50-foot boxcars, alternate handling might result in six more loaded and six more empty trucks moving on the streets of central Houston. Accordingly, there should be negligible effect on regional or local transportation modes or systems.

(3) **Land use.** (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action effects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

Response: (i) Applicants are unaware of any adverse effects on local and existing land use plans, particularly since the abandonment will not result in salvage of the

Line or loss of rail service to any shipper. The Harris County Commissioners Office has been contacted. To date UP has received no response.

(ii) The United States Natural Resources Conservation Service has been contacted. To date UP has received no response.

(iii) The Line is not in a state coastal zone.

(iv) The property proposed for abandonment is not suitable for other public purposes including roads or highways, other forms of mass transportation, conservation, energy production or transmission, as this area is adequately served by existing roads and utility lines at the present time. However, UP has been contacted by the City of Houston's Bicycle Pedestrian Coordinator requesting to purchase the right-of-way for a proposed bicycle and hiking trail. The plan for disposition will be to work with the City of Houston to sell the right-of-way.

(4) **Energy.** (i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

Response: (i) There are no effects on the transportation of energy resources.

(ii) There are no recyclable commodities moved over the Line.

(iii) There will be no increase in energy consumption from the abandonment.

(iv)(A)(B) There will be no rail-to-motor diversion of this magnitude.

(5) **Air.** (i) If the proposed action will result in either:

(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in §§ (5)(i)(A) will apply.

Response: There is no such effect anticipated.

(5) **Air.** (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Response: There is no such effect anticipated as a result of the proposed action.

(5) **Air.** (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to

the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Response: The proposed action will not affect the transportation of ozone depleting materials.

(6) **Noise.** If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

- (i) an incremental increase in noise levels of three decibels Ldn or more or
- (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

Response: Not applicable.

(7) **Safety.** (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Response: (i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

(8) **Biological resources.** (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Response: (i) The U. S. Fish and Wildlife Service has been contacted. To date UP has received no response. However, the Texas Parks & Wildlife Department by response dated May 7, 2003, have indicated that the abandonment activity as proposed indicates minimal impacts to fish and wildlife resources. (See **Attachment No. 4**)

(ii) Applicants are not aware of any wildlife sanctuaries or refuges, or of any National or State parks or forests, that will be affected by the proposed abandonment.

(9) **Water.** (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

Response: (i) The Office of Water Resource Management of the Texas Natural Resource Conservation Commission has been contacted. To date UP has received no response. However, the National Resources Conservation Service of the U.S. Department of Agriculture by letter dated May 12, 2003 have indicated that the abandonment will not affect Important Farmlands and further consideration is not necessary. (See **Attachment No. 5**)

(ii) The U.S. Army Corps of Engineers ("CORP") has been contacted. By letter dated May 14, 2003, the CORP has concluded that the proposed abandonment does not require a permit. (See **Attachment No. 6**)

(iii) It is not anticipated there will be any requirements for Section 402 permits.

(10) **Proposed Mitigation.** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Response: There are no known adverse environmental impacts as there will be no change in the use of the property as a result of the proposed abandonment.

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

Response: See Attachment No. 1.

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area:

Response: The right-of-way varies in width from 20 feet to 100 feet and is level. The property is urban and mostly industrial in nature. South of Interstate 45 it becomes residential.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

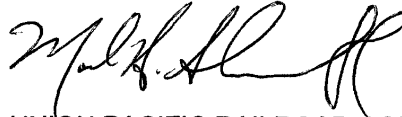
Response: There are no railroad structures or bridges that are 50 years old or older.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known:

Response: Not applicable.

Dated this 10th day of July, 2003.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. H. Shumate, Jr.', with a stylized flourish at the end.

UNION PACIFIC RAILROAD COMPANY
Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

CERTIFICATE OF SERVICE
OF THE
COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 203X) for the Columbia Tap Industrial Lead at Houston, in Harris County, Texas was served by first class mail on the 10th day of July, 2003 on the following:

State Clearinghouse (or alternate):

Denise Francis
Governors Office of Budget & Planning
P.O. Box 12428
Austin, TX 78711

State Environmental Protection Agency:

Mr. Dan Burke, Deputy Director
Office of Water Resource Management
Texas Natural Resource Conservation Commission
P.O. Box 13087, m205
Austin, TX 78711-3087

State Coastal Zone Management Agency

(if applicable):

Not applicable.

Head of County (Planning):

Harris County Commissioners
1001 Preston Street, Suite 9
Houston, TX 77002-1839

Environmental Protection Agency

(regional office):

U.S. Environmental Protection Agency
Region 6
1455 Ross Avenue
Dallas, TX 75202-2733

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service
Region 2
P. O. Box 1306
Albuquerque, NM 87103-1306

U.S. Army Corps of Engineers:

U.S. Army Corps Engineers
Galveston District
P. O. Box 1229
Galveston, TX 77553-1229

National Park Service:

William D. Shaddox
Chief, Land Resources Division
National Park Service
Department of the Interior
1849 "C" Street, N.W., MS2540
Washington, D.C. 20240

U.S. Natural Resources Conservation Service:

State Conservationist
Natural Resources Conservation Service
Poage Federal Building
101 South Main Street
Temple, TX 76501-7685

National Geodetic Survey:

Edward J. McKay, Chief
Spatial Reference System Division
National Geodetic Survey
NOAA N/NGS
1315 E-W Highway
Silver Spring, MD 20910-3282

Other Agencies Consulted:

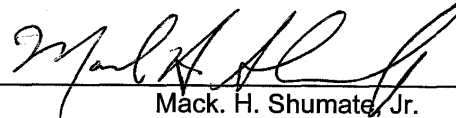
Mr. Andrew Swanson
Texas Parks & Wildlife
4200 Smith School Road
Austin, TX 78744

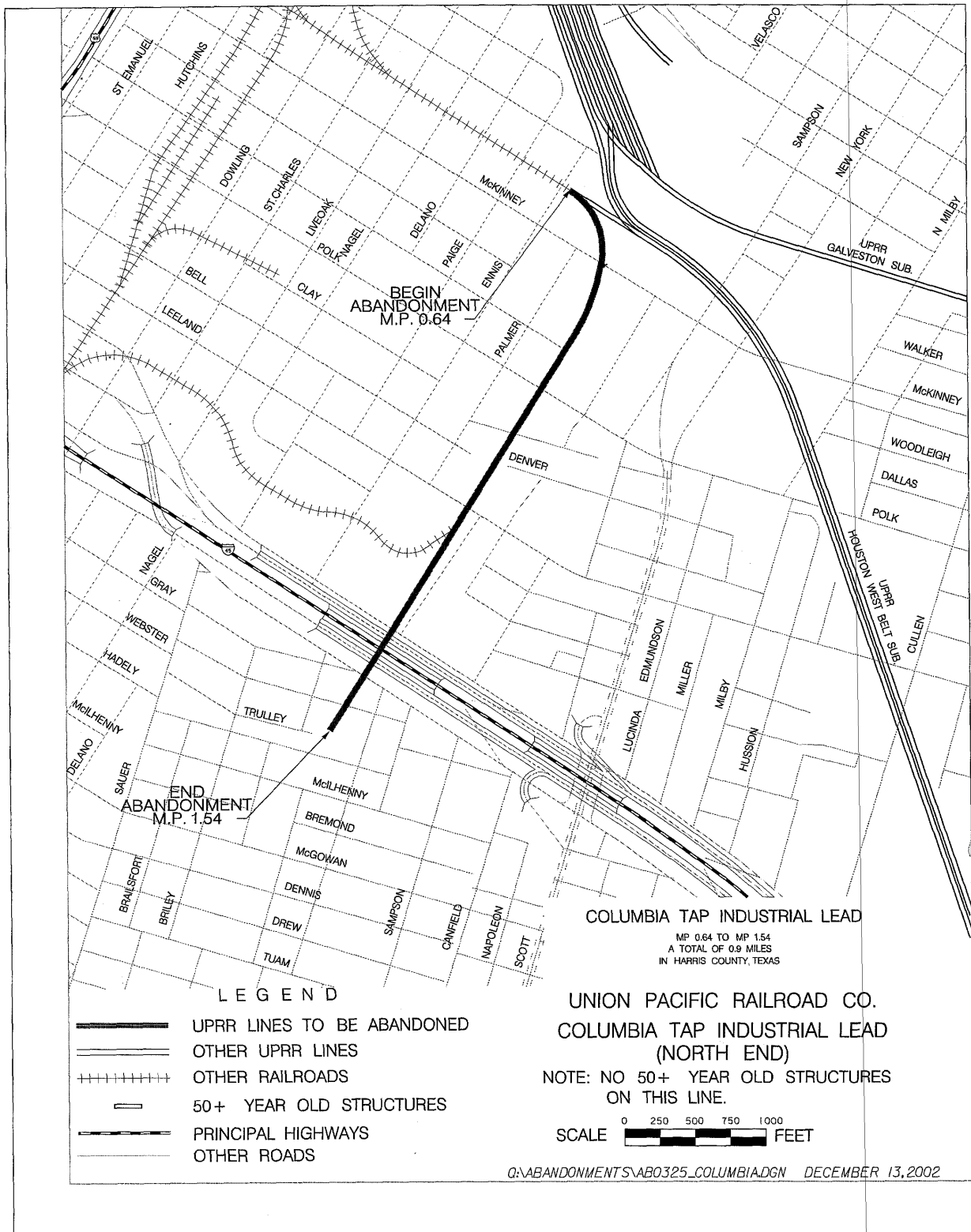
Texas Historical Commission
P.O. Box 12276, Capitol Station
Austin, TX 78711

Shipper:

Porter Warner Industries
3202 Mc Kinney Street
Houston, TX 77003

Dated this 10th day of July, 2003.


Mack. H. Shumate, Jr.



JUL 18 2003 12:05 PM CERN GMAIL LAW DEPT 402 271 4861 TO CHICAGO COUNCIL 7:02:11

CHARLES W. SAYLORS
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY

ATTACHMENT NO.2

1416 DODGE STREET
OMAHA, NEBRASKA 68179
(402) 271-4861



April 9, 2003

State Clearinghouse (or alternate):

Denise Francis
Governors Office of Budget & Planning
P.O. Box 12428
Austin, TX 78711

State Environmental Protection Agency:

Mr. Dan Burke, Deputy Director
Office of Water Resource Management
Texas Natural Resource Conservation Commission
P.O. Box 13087, m205
Austin, TX 78711-3087

State Coastal Zone Management Agency

(if applicable):
Not applicable.

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(regional office):

U.S. Environmental Protection Agency
Region 6
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Dallas, TX 75202-2733

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service
Region 2
P. O. Box 1306
Albuquerque, NM 87103-1306

U.S. Army Corps of Engineers:

U.S. Army Corps Engineers
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800 North Capitol Street, NE., Room 540
Washington, D.C. 20002

U.S. Natural Resources Conservation Service:

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Spatial Reference System Division
National Geodetic Survey
NOAA N/NGS
1315 E-W Highway
Silver Spring, MD 20910-3282

Other Agencies Consulted:

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Texas Parks & Wildlife
4200 Smith School Road
Austin, TX 78744

Texas Historical Commission
P.O. Box 12276, Capitol Station
Austin, TX 78711

Shipper:

Porter Warner Industries
3202 Mc Kinney Street
Houston, TX 77003

Re: Proposed Abandonment of the Columbia Tap Industrial Lead from M. P. 0.64 northwest of the intersection of Walker and Palmer Streets to the end of the Line at M. P. 1.54 near Leeland Street, a distance of 4,752 feet in Houston, Harris County, Texas; STB Docket No. AB-33 (Sub-No. 203x)

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Columbia Tap Industrial Lead from M. P. 0.64 northwest of the intersection of Walker and Palmer Streets to the end of the Line at M. P. 1.54 near Leeland Street, a distance of 4,752 feet in Houston, Harris County, Texas. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts; however, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

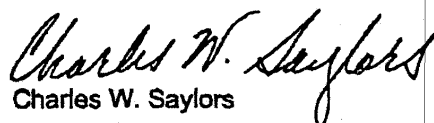
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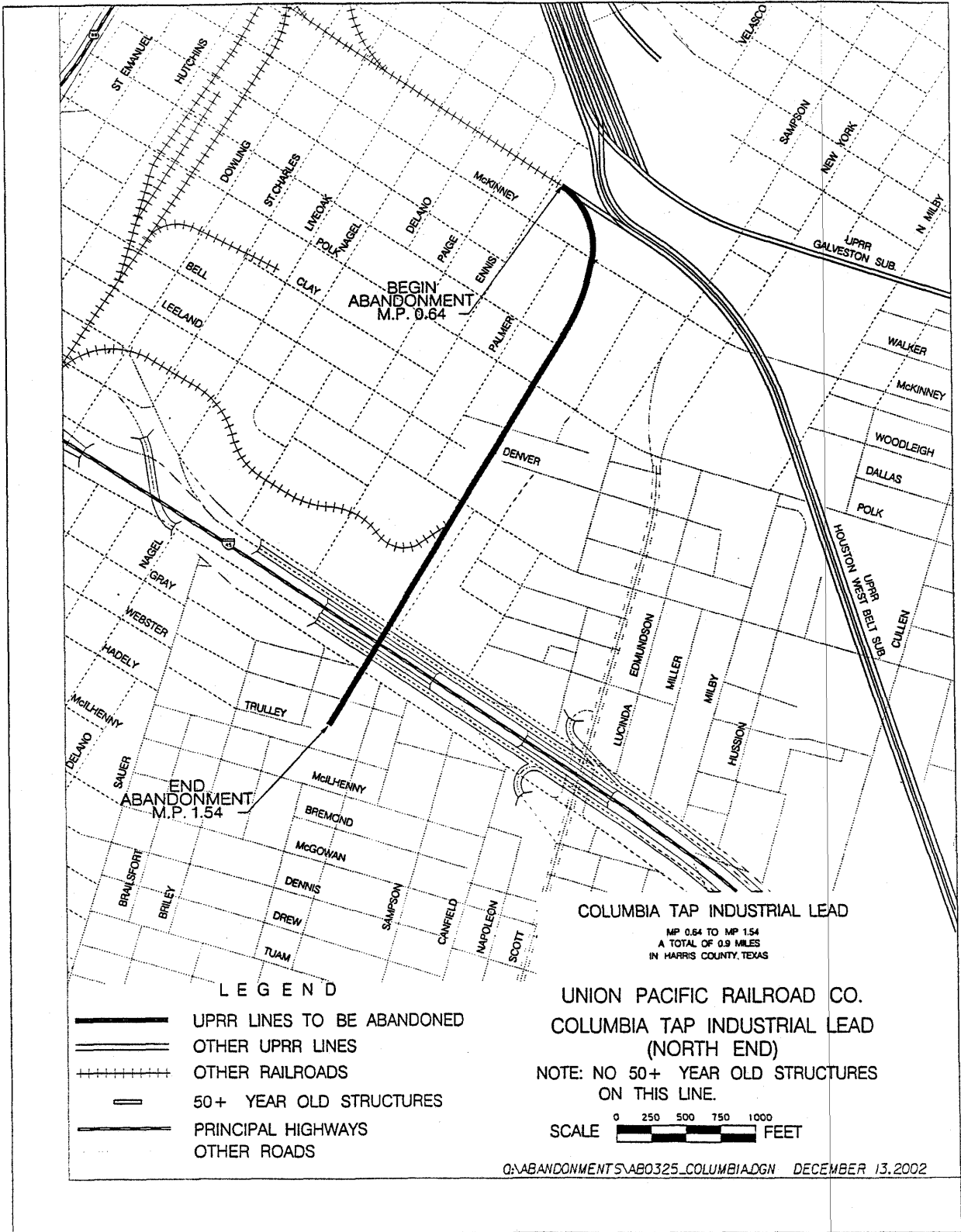
U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1416 Dodge Street, Room 830, Omaha, NE, 68179. If you need further information, please contact me at (402) 271-4861.

Yours truly,


Charles W. Saylor

Attachment



CHARLES W. SAYLORS
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY



ATTACHMENT NO. 3

1416 DODGE STREET
OMAHA, NEBRASKA 68179
(402) 271-4861

RECEIVED

APR 14 2003

April 9, 2003

TEXAS HISTORICAL COMMISSION

State Clearinghouse (or alternate):

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P.O. Box 12428
Austin, TX 78711

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Temple, TX 76501-7685

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Austin, TX 78744

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Shipper:

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abandonment in place 7/95

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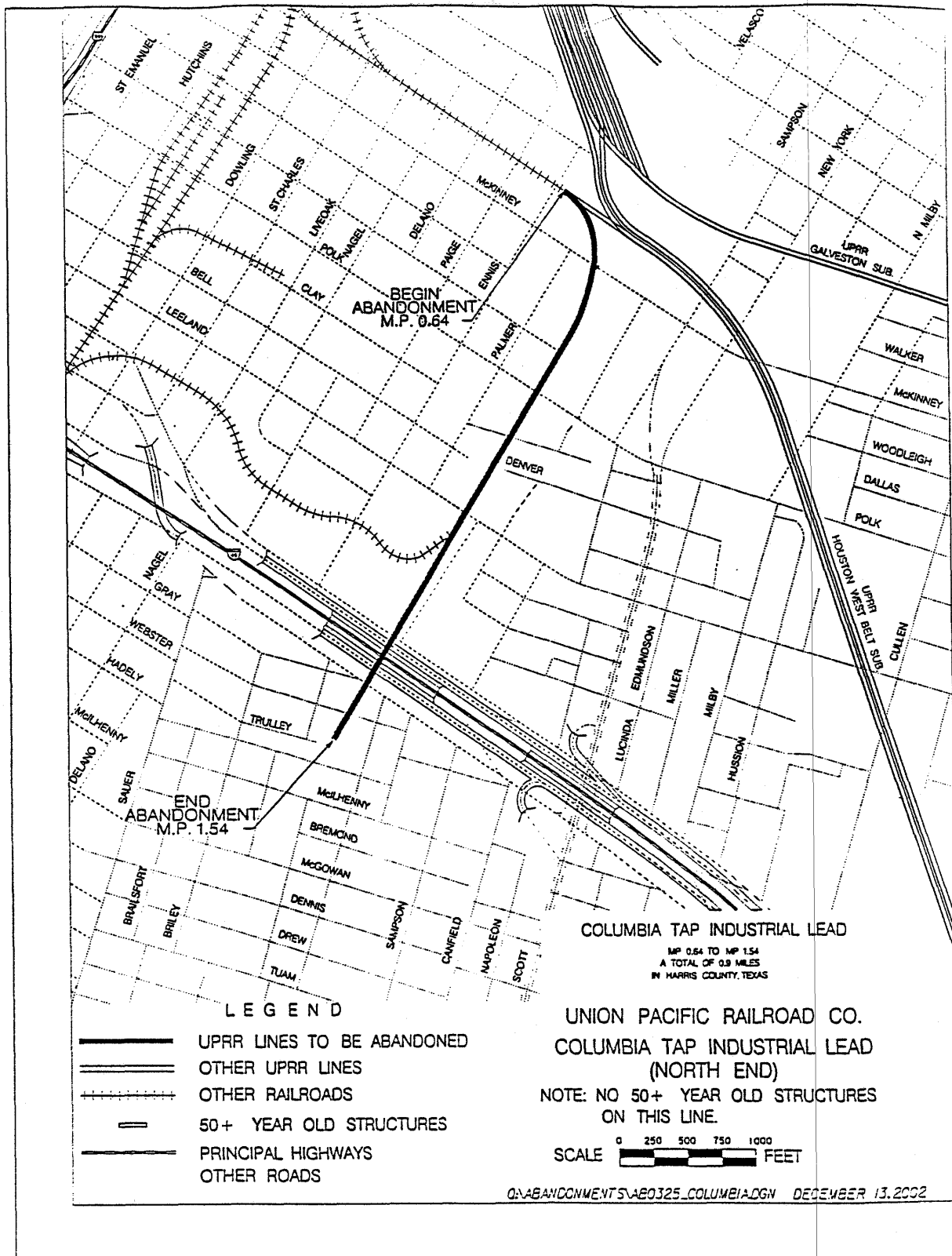
Yours truly,

Charles W. Saylor
Charles W. Saylor

Attachment

NO HISTORIC
PROPERTIES AFFECTED
PROJECT MAY PROCEED

By *Mark B. Pinto*
for F. Lawrence Oaks
State Historic Preservation Officer
Date 5-14-03



CHARLES W. SAYLORS
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY

1416 DODGE STREET
OMAHA, NEBRASKA 68179
(402) 271-4861



Texas Parks & Wildlife Dept.

APR 11 2003

April 9, 2003

Wildlife Habitat Assessment Program

State Clearinghouse (or alternate):

Danise Francis
Governors Office of Budget & Planning
P.O. Box 12428
Austin, TX 78711

State Environmental Protection Agency:

Mr. Dan Burke, Deputy Director
Office of Water Resource Management
Texas Natural Resource Conservation Commission
P.O. Box 13087, m205
Austin, TX 78711-3087

State Coastal Zone Management Agency

(if applicable):
Not applicable.

Head of County (Planning):

Harris County Commissioners
1001 Preston Street, Suite 9
Houston, TX 77002-1839

Environmental Protection Agency

(regional office):

U.S. Environmental Protection Agency
Region 6
1455 Ross Avenue
Dallas, TX 75202-2733

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service
Region 2
P. O. Box 1306
Albuquerque, NM 87103-1306

U.S. Army Corps of Engineers:

U.S. Army Corps Engineers
Galveston District
P. O. Box 1229
Galveston, TX 77553-1229

National Park Service:

William D. Shaddox
Chief, Land Resources Division
National Park Service
800 North Capitol Street, NE., Room 540
Washington, D.C. 20002

U.S. Natural Resources Conservation Service:

State Conservationist
Natural Resources Conservation Service
Poage Federal Building
101 South Main Street
Temple, TX 76501-7685

National Geodetic Survey:

Edward J. McKay, Chief
Spatial Reference System Division
National Geodetic Survey
NOAA N/NGS
1315 E-W Highway
Silver Spring, MD 20910-3282

Other Agencies Consulted:

Mr. Andrew Swanson
Texas Parks & Wildlife
4200 Smith School Road
Austin, TX 78744

Texas Historical Commission
P.O. Box 12276, Capitol Station
Austin, TX 78711

Shipper:

Porter Warner Industries
3202 Mc Kinney Street
Houston, TX 77003

Re: Proposed Abandonment of the Columbia Tap Industrial Lead from M. P. 0.64 northwest of the intersection of Walker and Palmer Streets to the end of the Line at M. P. 1.54 near Leeland Street, a distance of 4,752 feet in Houston, Harris County, Texas; STB Docket No. AB-33 (Sub-No. 203x)

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Columbia Tap Industrial Lead from M. P. 0.64 northwest of the intersection of Walker and Palmer Streets to the end of the Line at M. P. 1.54 near Leeland Street, a distance of 4,752 feet in Houston, Harris County, Texas. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts; however, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

JUL 10 2003 12:06 FR UPRR OMAHA LAW DEPT 402 271 5625 TO CHICAGO-CUCHNA P.08/11

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1416 Dodge Street, Room 830, Omaha, NE, 68179. If you need further information, please contact me at (402) 271-4861.

Yours truly,

Charles W. Saylor
Charles W. Saylor

Attachment

| | |
|---|-----------------------------------|
| TEXAS PARKS & WILDLIFE | Review of the project activity as |
| | proposed indicates minimal |
| | impacts to fish and wildlife |
| | resources. |
| | Reviewed: <i>Renee Fields</i> |
| | Date: <i>5-7-03</i> |

ATTACHMENT No. 5



United States
Department of
Agriculture

Natural
Resources
Conservation
Service

101 South Main
Temple, Texas
76501-7602

May 12, 2003

Union Pacific Railroad
1416 Dodge Street, Room 830
Omaha, NE, 68179

Attention: Charles W. Saylor, Environmental Consultant

**Subject: LNU-Farmland Protection-
Abandonment of Columbia Tap Industrial Lead
Harris County, Texas; STB Docket No. AB-33 (Sub-No. 203x)**

We have reviewed the information provided concerning the proposed abandonment of 4752 feet of the Columbia Tap Industrial Lead in Harris County Texas. This is part of a NEPA Environmental Evaluation for this project as required by The Surface Transportation Board (STB). We have reviewed the project as required by the Farmland Protection Policy Act (FPPA) and completed the AD-1006 form.

The proposed project does not contain Important Farmland as defined by the FPPA and is not subject to the Farmland Protection Policy Act (FPPA). This area is previously converted to urban development will be exempt from the FPPA. Therefore no further consideration will be needed for this project.

I have attached the completed AD-1006 (Farmland Conversion Impact Rating) form for this project. Thanks for the resource materials you submitted to evaluate this project. If you have any questions please call James Greenwade at (254)-742-9960, Fax (254)-742-9859.

Thanks,

A handwritten signature in black ink, appearing to read "James M. Greenwade", written over the typed name.

James M. Greenwade
Soil Scientist
Soil Survey Section
USDA-NRCS, Temple, Texas

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

| | | | | | |
|--|---|---|--|---|-------------------|
| PART I (To be completed by Federal Agency) | | Date Of Land Evaluation Request 4-9-2003 | | | |
| Name of Project UP RR Columbia Tap Industrial Lead | | Federal Agency Involved Surface Transportation Board | | | |
| Proposed Land Use RR Abandonment | | County and State Harris County, Texas | | | |
| PART II (To be completed by NRCS) | | Date Request Received By NRCS 4-13-2003 | | Person Completing Form: James Greenwade | |
| Does the site contain Prime, Unique, Statewide or Local Important Farmland? (If no, the FPPA does not apply - do not complete additional parts of this form) | | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> | Acres Irrigated | Average Farm Size |
| Major Crop(s) | Farmable Land In Govt. Jurisdiction Acres: % | Amount of Farmland As Defined in FPPA Acres: % | | | |
| Name of Land Evaluation System Used | Name of State or Local Site Assessment System | Date Land Evaluation Returned by NRCS | | | |
| PART III (To be completed by Federal Agency) | | Alternative Site Rating | | | |
| | | Site A | Site B | Site C | Site D |
| A. Total Acres To Be Converted Directly | | | | | |
| B. Total Acres To Be Converted Indirectly | | | | | |
| C. Total Acres In Site | | | | | |
| PART IV (To be completed by NRCS) Land Evaluation Information | | | | | |
| A. Total Acres Prime And Unique Farmland | | | | | |
| B. Total Acres Statewide Important or Local Important Farmland | | | | | |
| C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted | | | | | |
| D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value | | | | | |
| PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points) | | | | | |
| PART VI (To be completed by Federal Agency) Site Assessment Criteria (Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106) | | Maximum Points | Site A | Site B | Site C |
| 1. Area In Non-urban Use | | (15) | | | |
| 2. Perimeter In Non-urban Use | | (10) | | | |
| 3. Percent Of Site Being Farmed | | (20) | | | |
| 4. Protection Provided By State and Local Government | | (20) | | | |
| 5. Distance From Urban Built-up Area | | (15) | | | |
| 6. Distance To Urban Support Services | | (15) | | | |
| 7. Size Of Present Farm Unit Compared To Average | | (10) | | | |
| 8. Creation Of Non-farmable Farmland | | (10) | | | |
| 9. Availability Of Farm Support Services | | (5) | | | |
| 10. On-Farm Investments | | (20) | | | |
| 11. Effects Of Conversion On Farm Support Services | | (10) | | | |
| 12. Compatibility With Existing Agricultural Use | | (10) | | | |
| TOTAL SITE ASSESSMENT POINTS | | 160 | | | |
| PART VII (To be completed by Federal Agency) | | | | | |
| Relative Value Of Farmland (From Part V) | | 100 | | | |
| Total Site Assessment (From Part VI above or local site assessment) | | 160 | | | |
| TOTAL POINTS (Total of above 2 lines) | | 260 | | | |
| Site Selected: | Date Of Selection | Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/> | | | |
| Reason For Selection: Previous Converted To Urban | | | | | |
| Name of Federal agency representative completing this form: | | | | | Date: |

(See Instructions on reverse side)

Form AD-1008 (03-02)



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1229
GALVESTON, TEXAS 77553-1229

May 14, 2003

Evaluation Section

SUBJECT: Permit Application No. D-14649

Charles W. Saylor
Union Pacific Railroad Company
1416 Dodge Street, Room 830
Omaha, NE 68179

Dear Mr. Saylor:

This letter is in regard to Union Pacific's April 9, 2003 permit application, requesting a Department of the Army permit to abandon a 4752-foot section of the Columbia Tap Industrial Lead railroad track. The segment to be abandoned extends northwest from the intersection of Walker and Palmer Streets to the end of the line near Leeland Street, in Houston, Harris County, Texas.

We have reviewed your project and have concluded that your proposed project is not subject to our jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act. As such, a Department of the Army permit is not required. Your permit application is being returned for your disposition.

This approved determination is valid for 5 years from the date of this letter unless new information warrants a revision of the determination prior to the expiration date. Please reference determination number **D-14649** in future correspondence pertaining to this subject. If you have any questions concerning this determination or possible appeal of this determination, please contact Felicity Dodson at the letterhead address or by telephone at 409-766-3105.

Sincerely,

Bruce H. Bennett
Bruce H. Bennett
Leader, North Evaluation Unit

Enclosures